REMARKS

Withdrawn Restriction Requirement

Applicants acknowledge that the Examiner has withdrawn the previous restriction requirement set forth in the February 7, 2008 Office Action in view of applicants' traverse in the response mailed August 7, 2008.

New Restriction Requirement

On page 3 of the March 31, 2009 Office Action, the Examiner required restriction under PCT Rule 13.1 contending that the inventions identified by the Groups I-II below are not so linked as to form a single general inventive concept.

I. Claims 16-17, 21, 23 and 27, drawn to a fusion protein comprising a human biliary glycoprotein (CEACAM1) fragment and a composition comprising the fusion protein.

II. Claims 22, 24-26 and 28-29 drawn to a method for preventing or treatment of a mammal subject with rheumatois arthritis or multiple sclerosis comprising administering the fusion protein.

The Examiner asserted that the inventions listed as Groups I-II lack the same or corresponding special technical features. Specifically, the Examiner asserted that the technical feature of this application is a CEACAM1-Fc fusion protein. The Examiner asserted that the technical feature does not contribute over prior art because Markel et al. (J. Clin. Invest. 2002, 110:943-953) discloses a CEACAM1-Fc fusion protein. Based on the foregoing, the Examiner concluded that unity of invention under PCT Rule 13.1 does not exist.

In response, applicants hereby elect, Group II, i.e. claims 22, 24-26 and 28-29, drawn to a method for preventing or treatment of a mammal subject with rheumatoid arthritis or multiple sclerosis comprising administering the fusion protein.

Species Election

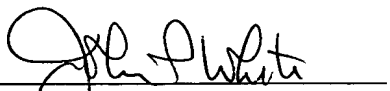
The Examiner asserted on page 4 of the March 31, 2009 Office Action that the application contains claims directed to more than one species of the generic invention. The Examiner asserted that these species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. Specifically, the Examiner asserted that if Group II is elected, applicants are required to elect a specific disease as recited in claims 22 and disclosed on page 6 of the subject specification (e.g. rheumatoid arthritis or multiple sclerosis). The Examiner further asserted that if Group II is elected, applicants are required to elect a specific method of administration as recited in claim 26 (e.g. intravenous or inhalation).

In response, applicants hereby elect rheumatoid arthritis as the species of specific disease and intravenous as the species of specific method of administration. Applicants note that the claims 22, 24-26 and 28-29 read on the species elected herein.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the enclosed $1,175.00 fee for a five-month extension of time, is deemed necessary in connection with the filing of this Communication. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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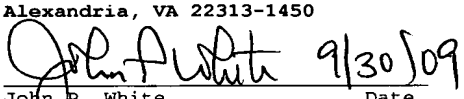

9/30/09

John P. White Date
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